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Attorneys for Federal Defendants Sued in their Official Capacities and the Federal Intervenor-Defendants (United States of America, National Security Agency, President George W. Bush)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	**No. M:06-cv-01791-VRW**
This Document Relates To: (1) All Actions Against the MCI and Verizon Defendants in the Master MCI and Verizon Consolidated Complaint, Dkt. 125; (2) *Chulsky* (MDL 06-06570) except: (3) *Bready* (MDL 06-06313)	**STIPULATION PERMITTING THE UNITED STATES TO INTERVENE; AND [~~PROPOSED~~] ORDER** Judge: Hon. Vaughn R. Walker Date: June 21, 2007

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RECITALS

A. On January 16, 2007, pursuant to this Court's case management order, the plaintiffs in suits against the Verizon and MCI defendants filed a Master Complaint [Dkt. 125]. In addition, there are several other cases against Verizon defendants not covered by the Master Complaint, such as *Riordan* (MDL 06-3574); *Bready* (MDL 06-06313); and *Chulsky* (MDL 06-06570).

B. This Court entered an Order [Dkt. 217] giving the United States until April 20, 2007, to file a "motion to dismiss or, in the alternative, for summary judgment and any assertion of the state secrets privilege" in the MCI and Verizon cases.

C. The United States intends to assert the state secrets privilege in each of these cases, and seeks intervention in order to seek the dismissal of these cases.

D. The United States requested the stipulation of all plaintiffs in the MCI and Verizon cases where the United States had not yet intervened,[1] as well as the stipulation of MCI's counsel and Verizon's counsel. With the exception of the *Bready* and *Riordan* plaintiffs, all MCI and Verizon parties have stipulated to the intervention of the United States. The United States' intervention in *Bready* is dealt with in a separate motion filed concurrently herewith.

STIPULATION

The MCI and Verizon Plaintiffs, with the exception of those in *Bready* and *Riordan*, counsel for MCI defendants and counsel for Verizon defendants, and the United States, through their attorneys of record, hereby stipulate and request that the Court make this stipulation an order of the Court:

1. The United States shall be permitted to intervene in the above-referenced actions as a Defendant pursuant to Federal Rule of Civil Procedure 24.

[1] The United States moved to intervene in the *Riordan* case in August 2006, and that motion to intervene was granted on March 29, 2007, *see Riordan*, 05-cv-3574, Dkt. 64 (Mar. 29, 2007).

DATED: April 20, 2007

Respectfully Submitted,

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By: *__/s/ Alexander K. Haas__*
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By: */s/ John Rogovin*

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ALEXANDER K. HAAS, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below.

I declare under penalty of perjury that the foregoing declaration is true and correct. Executed on April 20, 2007, in the City of Washington, District of Columbia.

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By: *\/s/ John Rogovin per G.O. 45*

John Rogovin
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~~[PROPOSED]~~ ORDER

Having considered the above stipulation to permit intervention by the United States pursuant to Federal Rule of Civil Procedure 24, the United States is allowed to intervene in the actions covered by the stipulation as a defendant.

IT IS SO ORDERED.

Dated: April 24, 2007

UNITED STATES DISTRICT COURT
IT IS SO ORDERED
Judge Vaughn R Walker
NORTHERN DISTRICT OF CALIFORNIA